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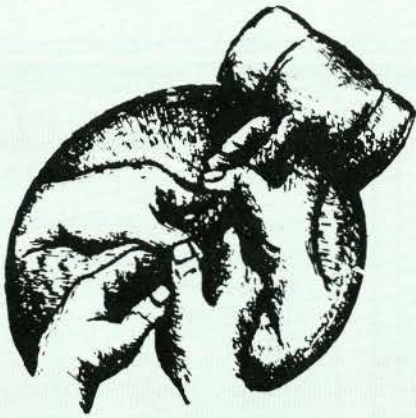
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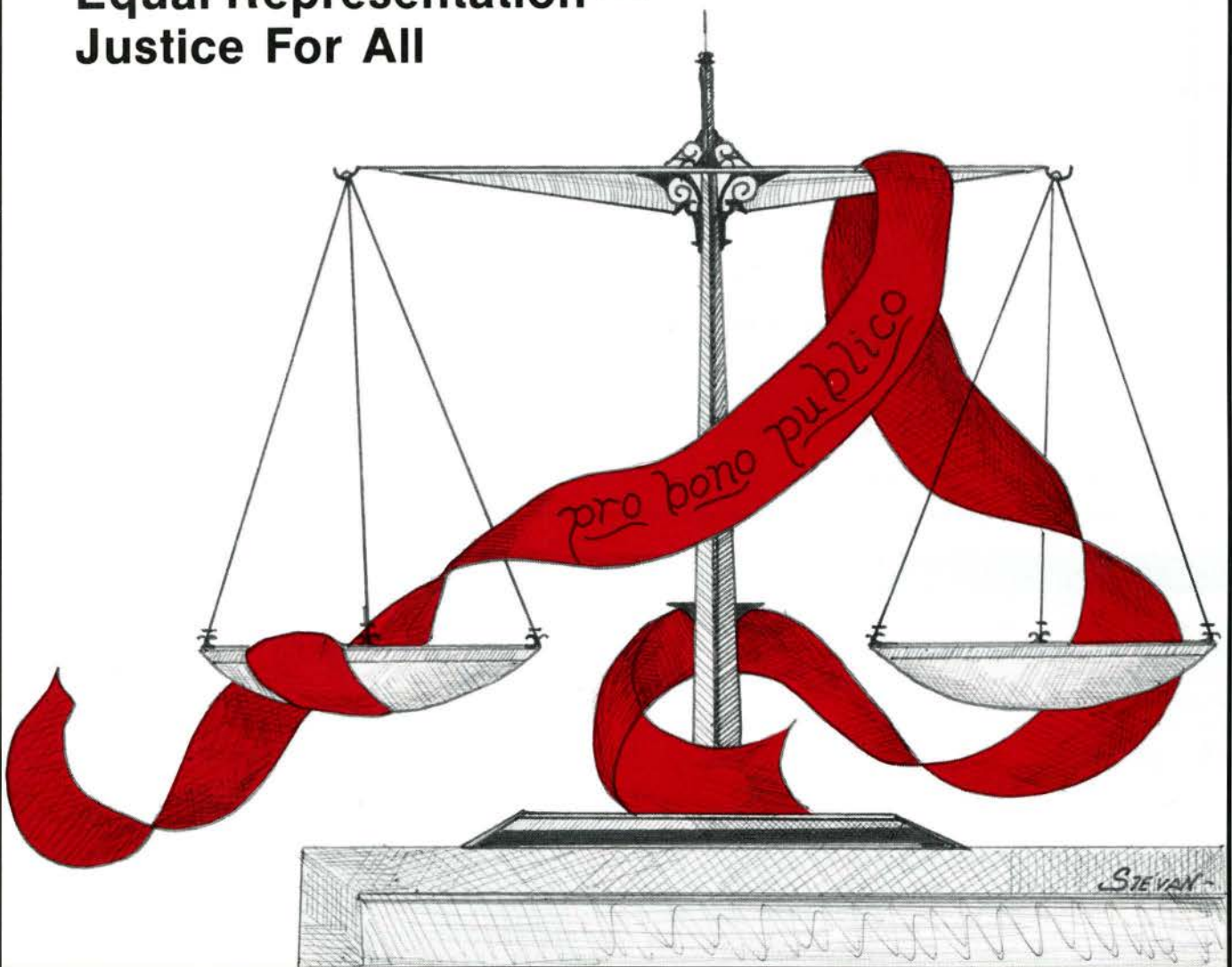
THE GAVEL

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Cleveland-Marshall College of Law

December, 1990

Equal Representation — Justice For All



Editor's Note

The holiday season is upon us once again. But before we can enjoy the festivities of the season, many of us will have our noses buried in our books in anticipation of final exams. From now on, time will fly, and before you know it the exams will be behind you. Between now and then I would just like to remind you to take some time out for yourself during reading and exam weeks. The best plan is perhaps to make a schedule (and stick to it), but in doing so don't forget to take some time to do the things that you find relaxing; talk with a friend, take a walk, listen to your favorite music, watch a football game, or whatever it is that you like to do. Study is important, and a good score on an exam is critical, but don't forget about the life that you had before you came to law school and the people around you. These are the things which make the fabric of life richer. On behalf of the editors and staff of *The Gavel* I would like to wish you all the very best for the holiday season and, of course, the best of luck on exams.

Stephen S. Vanek

*Happy
Holidays*

The GAVEL

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Any interested students, including
first-year students, are
encouraged to become involved.

Infra.

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Letters:

Editor,

It has come to my attention, through both the Gavel and SBA memo's, that there appears to be a sort of conflict and "running feud" between the two organizations mentioned above. As a relative "outsider", having begun my first year at C-M, I am not fully aware of the background concerning this matter. As a disinterested observer I would like to express my observations and impressions on how these exchanges may appear to a third party. I make no judgement as the validity of any substantive contention either party may have against the other, if there is any. Again, I am not aware of the history behind the apparent hostilities.

Looking from the outside in, these exchanges appear to be spiteful, trite, and just

plain childish. The Gavel is circulated campus-wide, to alumni, benefactors and interested parties among a population we aspire to join. I can't help but wonder what their impression of these exchanges may be in light of the impression I am getting from them.

As to the SBA memo dated 11/12/90, and signed by Anita Ramos, I would like to voice a few of my perceptions and concerns. I find the letter pointless and counter-productive. Ms. Ramos contends that, "The best interests of the students require that the SBA officers expend their efforts, time, and talent in a coordinated manner as opposed to dissipating the same through negative and counter productive fighting". Yet, her letter endeavors to undertake the very task its

content avers to deny. I assert that "...effort, time and talent ..." were expended and that this memo was not in the best interests of the students the SBA represents. I further submit that the SBA does "...have the time, inclination ..." and "...effort to devote to petty bickering" as evidenced by this memo and in particular the pointed sentence, "Therefore, I will leave the complaining and character assassination to those who are disposed towards that type of conduct."

I have estimated that it took over 3000 sheets of paper to circulate the SBA memo. At a cost of between 1 - 3 cents a sheet, the SBA expenditure would be \$30 - \$90. This, I believe, would be deducted from SBA's tuition-subsidized budget. Since the SBA has its own bulletin board, this expenditure is not within the best interests of the students the SBA was elected to represent.

In closing, I would urge that both The Gavel and the SBA meet with a moderator to iron out their differences in a manner designed and geared toward the best interests of those they proclaim to serve.

Stan Hockey

To C-M Community:

A month ago my mother passed away. Since then, individual students, staff members, and faculty have approached me to offer sympathy and to share their own like sorrow. The gift of your concern has brought a deep comfort to me and to my family. Thank you.

--David Forte

Editor:

As a new incoming law student, the thought of registering at Fenn Tower was ridiculous. Then the second year rolled around, and the idea became moot, because there was nothing that could be done. However, through the ingenious planning by our 'elite' faculty, registration came "home" to Cleveland-Marshall College of Law.

My goal of not fighting against the undergraduates of CSU was achieved, finally, or was it? Upon arriving to register at my proper time, I was greeted by a mass herd of law students lined up as though they were waiting for Led Zeppelin concert tickets.

Total chaos ran wild within the law school on November 6, 1990. There were people with registration times much later in the day ahead of those with earlier times. Second year students were obtaining classes that might eventually close out a third year student who was on the verge of graduating.

This preposterous idea made me almost insane with anger. Thus my only option was to talk with Dean Smith. When asked if this possibility of being closed out of a class existed, his response was "yes". Eventually with much "bitching" by those who followed by ideals, along with the rules of the game set up by the administration, Dean Smith, along with Dean

Lifter, called for those with proper time slots for registration up to the front of the line.

Although I eventually to into all of my classes, the experience I was a part of only adds credence to the fact that there is something wrong with C-M. (Note the bar passage rate of C-M this pass year.)

My only suggestion is not to offer apologies (which we received in our mail), but to set up registration whereby only those with the most hours earned are able to register first. Then, to avoid much confusion in the future, divide the remainder into small groups with exact times. If those who chose to not follow the guidelines set up for registration, then they will be told their not permitted to register until the proper time. Even though this set up might take a little more time, I guarantee the result will be fewer headaches. Thank you!

P.S.- Attention faculty, please do not think that trays of donuts and pots of coffee will blind us from the real truth. Registration at C-M this past semester was a complete farce.

Scott Fierman

Pro Bono Obligations and the Law School

Steven R. Smith

Among the oldest and most enduring features of the legal profession is the obligation to undertake activities for the good of the public, pro bono publico. Law schools, as part of the legal profession, share these pro bono obligations. The purpose of this article is to encourage a discussion of how each of us (students, faculty and deans) at the law school should respond to our individual and collective pro bono responsibilities.

History and Ethics:

The pro bono obligation is generally traced (somewhat tenuously) to the Magna Carta of 1215, and was more clearly established in England by the fifteenth century. The American bar has also traditionally recognized its responsibility to provide uncompensated legal services. Until relatively recently, nearly all indigent criminal defense work was pro bono. The appearance of formal government-sponsored institutions, such as offices of the Public Defender and Legal Aid Societies, help provide some of the services traditionally undertaken by private attorneys as pro bono work. They clearly have not eliminated, however, the need for extensive pro bono activities. There is nearly unanimous agreement that there is a very large unmet legal need in the United States. Poor people, public organizations, law reform projects and judicial administration projects often go without the legal expertise they need.

Codes of ethics of our profession have always recognized the obligation of the profession to make services available to all people. Indeed, it is a central premise of our system that lawyers must serve society as officers of the court and as members of a great profession. For example, Canon I of the Code of Professional Responsibility recognizes that every person should have ready access to the services of an attorney when needed, and E.C. 2-25 indicates that every lawyer should find time to serve the disadvantaged. In 1975 the ABA announced as an official policy that, "it is a basic professional responsibility of each lawyer engaged in the practice of law to provide public interest legal services without fee or at a substantial reduced fee in the following areas: poverty law, civil rights law, charitable organizations representation and administration of justice. It should always be provided in a manner consistent with the Model Rules of Professional Conduct."

In 1987 the editors of the ABA Journal and The Journal of the American Medical

Association urged doctors and lawyers to provide 50 hours each of services to the poor. They said "we believe in all doctors and all lawyers as a matter of ethics and good faith, should contribute a significant percentage of their total professional effort without expectation of financial remuneration."

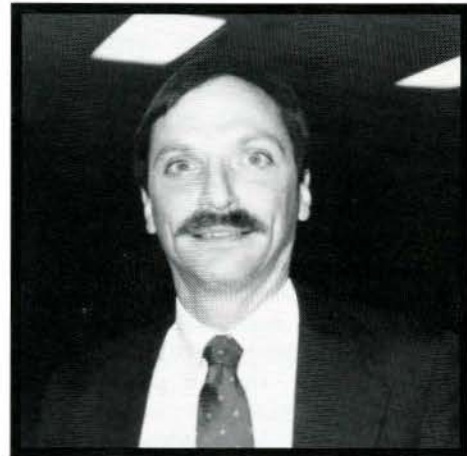
In part, the profession's obligation to provide service in the public interest arises from the special status that lawyers enjoy. Few functions in a free society are as important as the role of lawyers: announcing, interpreting and defending the law. Even given the critical importance of our profession, society has allowed us a monopoly, almost entirely free of external regulation. We ourselves control admission to the profession, as well as its discipline and education. In return for the autonomy of the profession, it is fair for society to expect that we will go to extraordinary lengths to serve the interests of the public as well as ourselves. When we can no longer demonstrate that we are doing so, we will not deserve and will not long have the freedoms of self regulation.

The Definition of Pro Bono for Law Schools:

Pro bono should be given a very broad meaning. It certainly includes direct legal services provided to individuals with legal problems who require the assistance of an attorney, but it also includes a number of other activities which do not require a license. My definition would include a broad range of services that call upon the analytical, legal and problem-solving abilities which legal education prepares graduates to undertake. Examples include teaching lay people about legal rights, serving on law reform and judicial reform committees, and assisting licensed attorneys with providing pro bono legal services. I would not include purely political activities within the definition. Obviously, legitimate pro bono activity must be done without the expectation that there will be payment or academic credit for the activity. This definition permits us in legal education a wide range of options for engaging in our professional obligation to undertake pro bono work.

The Benefits of Law School Pro Bono:

Undertaking pro bono work has many advantages for all attorneys, including those of us in the law school community. It permits us to participate in our profession's goal of making its services available to all and to improve the legal system. Additionally, it often puts attorneys in touch with clients they would not otherwise have



an opportunity to serve, and this contact is likely to give a better perspective on how the law affects (and how it should serve) all parts of society. This insight improves our legal skills, and our ability to serve clients and society.

Another advantage of pro bono activity is that it gives us a chance to work toward the improvement of the law in ways that general practice may not permit. Pro bono work should also improve professional satisfaction by giving us a sense of helping others, improving society and promoting the quality of justice. These are the very things that most of us said we were going to law school to do, but that too often get lost in the crush of other business. Perhaps the burnout and dissatisfaction reported by many attorneys is in part related to the loss of some of the ideals that pro bono work promotes. Finally, pro bono work reminds us that law is a public profession, with the responsibility to society as a whole as well as to individual clients. Pro bono work is a reminder that there is more than money to practicing law.

Law schools have additional reasons for focusing on pro bono work. Law schools should instill good professional habits, such as preparation and promptness. Pro bono work is another habit we should develop. In this we have failed. It is estimated that only 10% of the bar routinely engages in pro bono work, although about 85% indicate a willingness to do so. One reason for this 75% "gap" is that most lawyers never got in the pro bono habit while they were in law school. A law school should provide leadership to the bar, especially in promoting the ideals of the profession. Perhaps the time has come for us to develop leadership in the pro bono area. There is an additional side benefit to law schools engaging in pro bono. To the extent law students assist attorneys with pro bono activities,

(See Pro Bono / p.8)

Law School Requirements: Torts, Contracts, Pro Bono?

by James Harmath

If the national organizers of the "Law Students for Pro Bono" campaign have their way, a pro bono requirement could find its way into every law school curriculum by the year 2000. Last month, law students from several law schools, including Harvard, The University of Hawaii, Whittier, Hastings, Georgetown, The University of Michigan, and American University, announced the formation of the student group, whose goal is to incorporate a pro bono requirement into the traditional curriculum at each of the nation's 175 accredited law schools.

"In the United States, the principle 'equal justice under the law' really means 'equal justice under the law for the few'," said Sandra Hauser, a third-year law student at Harvard and an organizer of the campaign. "It is time for our legal educators, the leaders of our profession, and the Bush White House to realize that our legal system is not delivering on its promise of justice for all."

According to a report cited in the ABA Journal, nine out of ten legal problems of the poor go

unserved. The ABA Private Bar Involvement Project reports that only 17 percent of our nation's attorneys participate in pro bono programs. The National Legal Aid and Defender Association reports that there was a 40 percent decrease per capita in federal funding for legal services during the past ten years. The pervasiveness of the problem, according to Law Students for Pro Bono, undermines the judicial system itself, where many individuals have no realistic means with which to enforce their rights.

The group has enlisted the National Association for Public Interest Law (NAPIL) to coordinate the effort. Announcement of the campaign comes on the heels of NAPIL's public interest law conference, which brought together law students from around the country. It also follows a vote in favor of a pro bono requirement by the student division of the American Bar Association.

The ABA Law Student Division report reads in part: "Be it resolved that the American Bar Association encourages law schools to establish a public service requirement, the fulfillment of which would be necessary for graduation. Be it

further resolved that public service work be defined as any legal work performed without compensation . . . which is performed in the public interest. The notion of public interest espouses no partisan philosophy. If its work which, judged in the merits of the issue addressed, furthers justice, fairness, and the public good rather than the interests of a client who is represented on the familiar commercial terms." (The American Bar Association/Law Student Division, Report to the Assembly, August 2, 1990.)

Organizers say that if each of the nation's 129,000 law students performed 100 hours of pro bono work per year, they would be providing 12.9 million hours of legal services. Given that pro bono cases take an estimated 10 hours, according to Law Students for Pro Bono, it is possible that upwards of one million Americans can have some of their legal needs met if the requirement is adopted by the nation's law schools.

"It is a fact that 33 percent of African-Americans in the United States live in poverty," said Juliette Williams, a Georgetown law student and the national president of the Black Law Students Association. "I am taking part in this organization campaign because it is imperative that more programs be created to increase the amount of legal services available to the underrepresented."

"In the classroom we learn that the United States more than any other country in the world promises every person a fair shot in court," said Scott Saiki, a student at the University of Hawaii Law School. "On the street outside we find a tragically different story. We find people evicted because they cannot afford to go to housing court, we find battered women who do not have the money to hire a lawyer, and we find elderly people who cannot enforce their rights under the law because of lack of money. These problems must be incorporated into our education so we can start doing something about them now, and so that we will be better equipped to deal with them when we graduate."

A pro bono requirement has already been adopted by Tulane, The University of Pennsylvania, Valparaiso, and Florida State. Several other law schools are currently considering such a program, including Harvard, UCLA, and Stetson in St. Petersburg, Florida.

Cleveland Works... **REALLY DOES WORK!**

by Andrew Burr & Lori A. Replogle

As two law students from Cleveland-Marshall College of Law who did some volunteer work with Cleveland Works this summer, we would like to share our experiences with you in the hope that some of you will do the same. We first heard about Cleveland Works when Dean Smith put a letter in everyone's mailbox, encouraging us to exercise our ethical responsibilities by doing some pro bono work. He said Cleveland Works was looking for clerks to help out on a volunteer basis in their legal department.

In our interviews with Gary Maxwell (Director of Legal Services) and David Roth (Executive Director), we found out that Cleveland Works is a non-profit organization. It seeks through a variety of services to enable its clients who are all on welfare to become -- and remain -- gainfully employed in jobs with full family health benefits. Cleveland Works has been in existence since 1986 and 90% of all its clients are now employed.

One of the services provided by Cleveland Works is a legal clinic. The goal of the legal clinic is to help clients remove legal barriers or resolve problems which stand in the way of receiving meaningful employment. We had an opportunity to work directly with many of Cleveland Work's clients through this clinic in a way most law clerks do not. We were intimately involved with the legal process from the point of client intake interviews to dealing with the real life repercussions of the court's decisions.

For example, we had two clients who had been convicted of welfare fraud. It was our job to interview the clients and find out all the mitigating circumstances surrounding the offense. We also had to prepare sentencing memorandums to be presented to the judge before sentencing. Our responsibilities included making sure that these client's probation officers were made aware of the efforts our clients were making through Cleveland Works to become contributing members of society.

(See *Cleveland Works* / p.8)

ON THE ISSUES ...

by Kevin String

Grading policy.

Some students, mostly of the third-year variety, are actually against raising the mean GPA from C+ to B. The reason is that they believe that the future grads from C-M with higher GPA's will hurt them competitively in the job market.

Grading Policy II.

If you still have doubts about whether our current policy is unfair consider this, out grading works on the presumption that each student is worthy of a C+. If she excels she gets a B or a B+. If she screws up she gets a C. (A's are often so rare that it appears that they are reserved only for the ultra-extraordinary performance-the equivalent of the A+ in other schools. So why is the presumption a C+ when that level is beneath what most of us has accomplished in our academic past? And doesn't C-M know that firms consider anything under a B a poor grade? Therefore, doesn't it seem that here at C-M we're at a disadvantage before we even start.

Office of Career Planning

I agree with what Charley Seitz said in his letter to the Gavel last month concerning the OCP's failure to warn students that they are probably wasting their time with many of the firms the OCP line up for on-campus interviews. His suggestion that the OCP put the necessary GPA and class rank to get an interview is fair and reasonable. It may also be revealing

However, Mr. Seitz also claimed the OCP caters to the top 10%, rendering the OCP a convenient but probably unnecessary middleman. If it can be shown that the top 10% or even top 20% are the only group of students finding jobs through the OCP then it would appear that the OCP is basically useless. Perhaps a survey of recent graduates is in order.

Office of Career Planning II.

Pamela Lombardi was cited in last month's Gavel as accepting the position of OCP director at Ohio State College of Law because she felt it would be more of a challenge. That's a good one.

Registration

In case you missed it registration didn't go well. Student accusations of administrative

incompetency echoed through the halls for days. But two facts should be considered in the final analysis, (1) many students contributed significantly to the mayhem by cutting in line before their designated time, (2) it was a good faith effort by the administration to make things more convenient for us.

The solution: Set up the computers in the moot court room directly in front of the bench. Students could then file in and out in an orderly circular path. However, no one would be allowed in without first having their registration form checked for the appropriate time by a door guard (perhaps an SBA representative)

Employment Statement

Did anyone stop to question the validity of those green forms we had to sign to be able to register. The form said the ABA rules provide that a full-time student may not work more than 20 hours a week. The rule is meant to "protect students from being exploited. I thought we were big boys and girls now. Who are they to decide for us a question of this magnitude? To add insult to injury we were made to sign these forms under duress. Without a better rationale, forcing us to sign these forms was unconscionable.

SBA Criticism

Judging from some of the reaction to my comment regarding the resignation of our SBA V.P. for the second year in a row it appears that one of my points for the most part was missed. Due to recent events (spanning the last 2 years) I believe SBA owes it to the student body to examine itself, particularly the election process. Our current President states that the elections prevent "elitist exclusion and back room politics. This commentator claims that elections only serve to deny some truly concerned students the honor of being a senator. This commentator also asks to hear an explanation as to why the President (any President) should not be required to be a senator for one year.

It is impossible to make these points without couching them in criticism of the SBA system. Unfortunately, this criticism has spawned accusations of bickering and character assassination from the people in particular that I am trying to reach. This response is completely inadequate to what I believe are constructive

suggestions for a better SBA.

The latest Oyez Oyez (SBA Newsletter) announced a new student committee that promises to follow up on expressed concerns. Therefore I dedicate this column to the SBA. The SBA is now duty-bound to follow up on the issues I have presented in this column including the elections issue, and to "post or publish the results." Anything less is mere bickering.

Passing the Bar

The announcement in late October that only 61% of those C-M students taking the test for the first time passed is causing a great deal of concern for students. Here's a look at first-time pass rates since 1985.

	1985		1986		1987	
	Feb	Jul	Feb	Jul	Feb	Jul
C-M	76	90	81	90	88	74
CWRU	93	89	70	88	92	82

	1988		1989		1990	
	Feb	Jul	Feb	Jul	Feb	Jul
C-M	61	68	87	82	72	61
CWRU	77	70	79	93	63	71

Numbers represent %

(5 out of the last 12 tests show C-M with a higher pass rate than CWRU-not very consistent with their significantly higher class ave. GPA)

The following is a list of subjects covered on the bar exam. Make sure to register for these classes.

- Business Associations
- Civil Procedure
- Commercial Transactions (includes commercial law and secured transactions)
- Constitutional law
- Contracts
- Criminal law
- Criminal Procedure
- Domestic Relations (family law)
- Evidence
- Federal Taxation
- Property
- Torts
- Wills and Trusts

In Defense of the First Amendment

by Kim Lloyd

In November, CSU was in the news again. This time it wasn't basketball or Winbush, but the 7th annual People's Art Show. The exhibition wouldn't have been so newsworthy but for one painting by CSU student Steve Bostwick titled "Pornographic Underground." According to Robert Thurmer, Director of the Gallery, the controversy started when another artist Bob Lockett, outraged by the piece, withdrew his work and called channel 8 to protest. Channel 8 immediately picked up the story and aired it repeatedly on the 6:00 and 11:00 news.

It is difficult to offer an explanation of the piece of art as only those who attended the exhibit early and, of course, the media actually saw it. The work apparently consisted of seven panels: the first depicting love, the second and third representing lust, the fourth, fifth and sixth

the exploitation of sex for profit, and the final panel, an illustration of rape and murder in society. This last panel portrayed Diah Harris, a young black girl who was brutally murdered. The artist took the painting down after the victim's mother threatened to sue him as well as Director Thurmer.

While most of us can sympathize with Diah Harris' parents and understand their protest at having their murdered daughter portrayed in a public art show, we must look at the larger ramifications of the CSU incident. The art gallery has hosted a number of speakers regarding 1st amendment speech protections. Rashida Farrell from the Legal Aid society in Cleveland referred to this new right wing movement in America as the "new reich" movement and how it's not ideas that are dangerous, but what people do with the ideas. In other words, people get worked up

into a fervor regarding obscenity and pornography and racism frequently without getting all the facts.

Take for example the Cincinnati case involving the works of the late Robert Mapplethorpe. The black and white photographs depicted adult males engaged in homoerotic sadomasochistic acts and two of the photographs were of children with their genitalia exposed. The Contemporary Arts Center and the Art Director, Dennis Barrie were charged with illegally displaying photographs of nude juveniles. The jury of working class churchgoers acquitted the defendants. After learning all the facts, apparently this jury believed that this was one man showing the world his reality, and although this may have been a different reality than was this reasonable jury's, they decided not to violate this protection of free speech.

After the CSU incident, Mr. Bostwick made a statement about his work. His intentions were not meant to be racist, he was simply expressing his views on love, lust, sex and violence in society. But why should he have had to state what his intentions were in the first place? If his work was offensive to anyone, well then, they shouldn't have gone to see it.

One must think about the purpose of art. Everyone who appreciates art will try to connect with some works as he or she walks through the art museum. That's what it's all about anyway, isn't it? The artist uses art as a medium to express himself and if someone else can identify with that expression, then the artist has done more than succeed. He or she is celebrating the human existence through the work and in some way touching another person. That's the beauty of it. But the ugliness of it comes when the "art appreciator" walking through the museum sees a piece he or she cannot connect with...at all. The problem begins when the person(s) begin to protest, and the ultimate question is always who should be the judge of what is art and what is pornography or obscenity? Ironically, the "People's" Art Show had no judges or jury, rather any art could be submitted. The advertisement read, "A free, non-juried, uncensored exhibition celebrating First Amendment Rights for freedom of expression." Perhaps a more accurate cover for the advertisement should have been one artist's work at the show. It was a blank, white canvas by James Catt titled "Abolition of the 1st Amendment. The 5th amendment: Landscape of the Freedom FROM expression."

Your Soul for a B+?

by Joe Paulozzi

Ah ... Exam Week. Nothing like it. Blood, sweat, and tears flow freely as the Moment of Truth approaches. For first year students, it's their first chance to see where they stand. For second and third years, it's an expected hurdle that instills familiar anxiety -- though in lesser portions. Perhaps at this point, it's good to be reminded that we are still human beings, and not just ruthless law machines made of cold, hardened steel.

An excerpt from Scott Turow's book, *One-L*, has stayed with me ever since I read it, because it exposed a slice of the darker side of the competitiveness that is bred in law school. It does not need further prefatory explanation or analysis. It need only be reprinted ... and remembered.

"Hey, listen, what do you care about Kyle?" Terry asked. "What's the difference, if we can help come folks out [by sharing a Property outline]?"

I thought a second. Then suddenly I was speaking from the frenzied center of everything that had gripped me in the last week.

"I want the advantage," I said. "I want the competitive advantage. I don't give a damn about anybody else. I want to do better than them."

My tone was ugly, and Stephen and Terry both stared at me an instant. Then we quietly broke apart to find our separate ways home.

It took me a while to believe I had actually said that. I told myself I was kidding. I told myself that I had said that to shock Terry and Stephen. But I knew better. What had been suppressed all year was in the open now. All along there had been a tension between looking out for ourselves and helping each other - to renounce a wish to prosper, to succeed. But I could not believe how extreme I had let things become, the kind of grasping creature I had been reduced to. I had not been talking about any innocent striving to achieve. There had been murder in my voice. And what were the stakes? The difference between a B-plus and a B? This was supposed to be education -- a humane, cooperative enterprise.

That night I sat in my study and counseled myself. It had been a tumultuous year, I decided. I had been up. And I had been down. I had lost track of myself at moments, but because of whatever generosity I'd extended my own spirit, I had not lost my self-respect. But it would not stretch much further. I knew that if I gave in again to that welling, frightened avarice as I had this afternoon, I would pay for a long time in the way I thought about myself.

It's a tough place, I told myself. Bad things are happening. Work hard. Do your best. Learn the law. But don't suffer, I thought. Don't fear. And for God's sake, don't give up your decency.

Pro Bono

(Continued from p. 4)

it gives students an opportunity to receive some legal experience by working with members of the bar.

The Mandatory Pro Bono Debate:

Several study commissions and commentators have suggested that lawyers should have to demonstrate that they have engaged in a prescribed level (generally between 25 and 50 hours annually) of pro bono activity as a condition of maintaining a license. These proposals are the subjects of intense debate. Some argue that "mandated" pro bono activities is a contradiction, because pro bono must be voluntary. I disagree. Lawyers' pro bono work is "mandated" by the history and ethics of our profession; the question is whether there should be additional mechanisms to enforce the obligation.

Much of the mandatory pro bono debate is silly and even insulting to the profession. The entire debate is much too lengthy to recount here, but the most commonly heard objections are that it is an unconstitutional taking (it almost certainly is not) and that it would be harmful to those who receive the pro bono services because most lawyers are not expert in poverty law and would not "have their heart in it." Surely, attorneys are adequately educated to learn new areas of the law when necessary. The law affecting the poor is not more complex and difficult than the usual range of commercial, corporate, antitrust, securities and tax matters with which lawyers commonly deal. Developing competence in a new area of the law can be a challenging and rewarding experience. Nor is the argument persuasive that lawyers who do not have their heart in it will not do an adequate job for a client. The one thing that lawyers are clearly capable of doing is zealously representing almost any client. Obviously, lawyers may refuse a case where their moral or religious beliefs or sense of ethics would be violated, but there are plenty of pro bono areas to choose from which would not involve such conflicts.

Mandatory pro bono may be necessary as a way of enforcing our obligations as a profession. At some point, professionals become so busy that they will do only the things that they are required to do. For many attorneys facing the crush of "mandatory" billable hours and time pressures, such a time may have arrived. Most states have found it necessary to require CLE as a way of enforcing the obligations to stay current with new legal developments. We may have reached a similar place with pro bono work. When 85% of the attorneys say they are willing to engage in pro bono work, but only 10% regularly do so, there is an obvious need to change something to enforce the pro bono obligations of the profession.

The Law School and Pro Bono:

There are a number of very laudable pro bono efforts in the law school among our students and faculty. Some have participated in pro bono trial and appellate representation of clients. Others have worked with community organizations such as Cleveland Works (in addition to the law school's for-credit clinics). Several have helped high school students to understand better the legal system and legal skills (in addition to the law school's for-credit Street Law Program). Others have helped direct the work of public interest groups. And the list goes on and on.

For all of the good work that is going on, many of us are not adequately meeting our pro bono obligations. Although most of us are very busy, the real reasons may be that we do not know how we can best be of service, we do not know how to get started, or it is just something we do not get around to doing. We should discuss what the law school might

do to help promote pro bono work. A range of options comes to mind, including the following:

- Maintain a list of pro bono opportunities from which students and faculty may draw upon in undertaking pro bono activities.

- Establish a voluntary program in which faculty and students will commit to undertaking a given number of hours each year while in law school.

- Maintain a "scrapbook" of pro bono activities in which the successes of students and faculty engaged in pro bono activity are made public and available to the bench and bar as they visit the law school.

- Maintain as part of a student record the fact that the student engaged in pro bono activities while in law school. This information would be available to prospective employers as part of our placement records.

- Establish a requirement that faculty members, deans, and students engage in a given number of hours of pro bono work each year.

There are many other possibilities and we should seek creative ways to meet our pro bono obligations. I hope several will appear during our discussions. Judge Learned Hand urged that "the first commandment for lawyers must be, thou shall not ration justice." As members of the legal profession, we are obligated to make the law work for everyone. How we participate is a great challenge to our law school.

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Cleveland Works!

(Continued from p. 5)

We were also responsible for keeping the clock on cases. We had to keep Gary Maxwell up to date on impending deadlines. This involved doing all the research for these client's appeals and at the end of the summer, presenting our findings to Gary Maxwell, the attorney who supervised our work.

One of the clerks aided Gary in a crisis situation. A client came in who was being threatened by her husband. He was threatening to harm her children and burn down her house. Our client was very upset and much had to be done in a short period of time. One of the clerks got on the phone to find a judge and another started drafting an emergency restraining order. This meant that Gary could spend more time with the client and prepare her claim for presentation to the judge.

The small legal staff at Cleveland Works handles a large caseload resulting many times in both attorneys having to be in court at the same time. On one such occasion, a new client came in and it was up to a clerk to do the intake interview. All of us were prepared to do it however, because we had previously sat in on client intake interviews in order that we might conduct them by the end of the summer.

Unlike other public assistance organizations, we did not simply resolve someone's legal or immediate monetary difficulty; we were a part of a team helping this person and their family realize their value in society. During our first day a client called, exuberant because her oldest child was accepted into college--a first in her family. She said it was because Cleveland Works helped her to get her family out of the welfare cycle. Numerous other clients have called citing accomplishments such as promotions, new jobs, and the purchase of a first home.

As well as receiving invaluable legal experience, involvement with Cleveland Works left us with much more. Cleveland Works taught us that there are solutions to be found and that there are ways to stop the cycle of poverty. Most importantly, we realized that an attorney or student can use their skills and energy for much more than to simply make a living; with our education and experience we can make a difference. In the words of Gary Maxwell, we can change the world, even if it is one person at a time.